

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ROY FRANKLIN ECHOLS,

Plaintiff,

v.

Civil Action No. 3:23cv697

CSX TRANSPORTATION, INC.,

Defendant.

MEMORANDUM OPINION

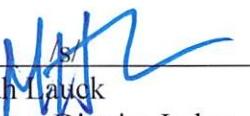
Roy Franklin Echols, a Virginia inmate, proceeding *pro se*, submitted this action. By Memorandum Opinion and Order entered on January 15, 2025, the Court dismissed the action because Echols failed to state a claim upon relief could be granted. (ECF Nos. 29, 30.) On February 10, 2025, Echols placed his Motion for Reconsideration under Federal Rule of Civil Procedure 59(e) in the mail. (ECF No. 33, at 6.) The Court deems the Motion for Reconsideration filed as of that date. *See Houston v. Lack*, 487 U.S. 266, 276 (1988).

“[R]econsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.” *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (citation omitted) (internal quotation marks omitted). The United States Court of Appeals for the Fourth Circuit has recognized three grounds for relief under Rule 59(e): “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.” *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993) (citing *Weyerhaeuser Corp. v. Koppers Co.*, 771 F. Supp. 1406, 1419 (D. Md. 1991); *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625, 626 (S.D. Miss. 1990)). Echols apparently seeks relief under the third ground arguing that he did adequately state a

claim for relief. Echols, however, fails to demonstrate that the Court made a clear error of law or that reinstatement of his case is necessary to prevent a manifest injustice. The Court correctly dismissed his action for failure to state a claim upon which relief could be granted. Accordingly, the Motion for Reconsideration, (ECF No. 33), will be DENIED. Additionally, Echols's Petition for Issuance of Summons, (ECF No. 32), and Motion for an Evidentiary Hearing, (ECF No. 37), will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 03/19/2025
Richmond, Virginia



M. Hannah Lauck
United States District Judge